



AZ POST
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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **June and July 2007**, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, this Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

June and July 2007

CASE NO. 1

MALFEASANCE IN OFFICE

Deputy A allowed a female to be a "ride-a-long" without the approval required by his department's operating procedures. He learned that his supervisor was headed in his direction and to prevent him from seeing the woman with him, he asked dispatch to send the supervisor on a fictitious call for service in the other direction. The Board adopted a consent agreement calling for a three month suspension of certification for malfeasance in office.

CASE NO. 2

DISHONESTY

Officer B responded to a call with what his department later found to be an inadequate response. Among the things the department investigated was whether Officer B or his fellow officer threw away a pair of shoes that had been left at the scene by the suspect. During the internal affairs interviews, Officer B lied to the investigators several times about his knowledge and recall of the events of the call, including the disposition of the shoes. He eventually came forward with the facts. He stated that he was reluctant to tell that his fellow officer had thrown the shoes away because they were friends and he didn't want to cause him trouble. The Board revoked his certification for malfeasance in office.

CASE NO. 3

DISHONESTY

Applicant C failed to disclose an arrest for driving under the influence of spirituous liquor on his POST Personal History Statement. The Board denied him certified status for willfully providing false information in connection with obtaining or reactivating certified status.

CASE NO. 4**INEFFICIENCY**

Between 2004 and 2006, Officer D engaged in a pattern of failing to complete reports and process cases in a timely fashion. During this time, he was counseled verbally, given two letters of instruction and one written reprimand and placed on a structured improvement plan. He entered into a consent agreement in which he recognized that his performance was unacceptable and in which he offered plans to prevent the reoccurrence of late and incomplete reporting in the future. The Board adopted the agreement calling for a six month suspension of certification from the date he separated from the agency.

CASE NO. 5**DUI**

Officer E was off duty and at home waiting for his girlfriend to come home for supper. He began consuming alcohol and after a period of time he used his assigned, marked patrol vehicle to go searching for his girlfriend. He struck a guard rail. His blood alcohol was measured at 0.145%. The Board revoked his certification for malfeasance in office.

CASE NO. 6**DISORDERLY CONDUCT**

Officer F was asked to leave a local night club due to his level of intoxication and conduct. While he was being escorted from the club by employees he became belligerent and physical with one of the employees. Police responded and Officer F was uncooperative and so he was arrested and booked into jail. He was charged with disorderly conduct. He entered into an adult diversion program and completed substance abuse and anger management classes. The Board suspended his certification for 18 months from the date of his termination as a probationary employee by his former agency.

CASE NO. 7**MALFEASANCE**

Officer G refused to testify before a federal grand jury and was jailed for contempt for several months. His certification was revoked in another state. The Board revoked his peace officer certification for failing to satisfy a minimum qualification and malfeasance in office.

CASE NO. 8**FALSE STATEMENTS**

Officer H was on industrial leave for an injury he sustained on the job. While he was on light duty, restricted from law enforcement work, he was required to fill out forms describing any type of work he had performed. Officer H falsely returned forms stating he had not returned to any type of work and had zero income. He was convicted of making false statements to obtain compensation benefits. The Board revoked his certification for committing an offense involving dishonesty and malfeasance in office.

CASE NO. 9**SOLICITING INDECENT EXPOSURE**

Officer I made a traffic stop on a speeding vehicle on Interstate 40. He smelled marijuana upon contacting the driver. He placed the male driver in his patrol car and asked the female passenger where the drugs were. She told the officer that all they had was the "roach" in the ash tray. Officer I told the passenger that the driver was under arrest for driving under the influence and that he needed to search her. He said it was improper for a male officer to search a female suspect, but the nearest female officer was 120 miles away. He gave her the choice – she could drive 120 miles or she could show him underneath her clothes on the side of the road. She reluctantly consented to expose herself to him. He had her lift her top, exposing her breasts. He had her drop her pants and panties, and caused her to expose her vagina and anus to him. CB Radio traffic in the area noted the "strip search" taking place. There were no additional drugs. Officer I then released both subjects. He did not seize the marijuana "roach." The Board revoked his certification for

malfeasance in office and committing an offense involving unlawful sexual conduct.

The Board adopted consent agreements calling for a voluntary relinquishment in the following fact situation. The scenario stated here reflects the allegations giving rise to the POST case, but the facts were not proven before the Board.

- A sergeant lied during an IA investigation about an off-duty sexual relationship he was having.
- A sergeant was the subject of an investigation into child pornography that appeared on his home computer.
- A deputy wrote a false memorandum explaining why he missed mandatory training.
- A deputy solicited indecent exposure from an inmate under his care and control.

The Board entered a mandatory revocation for a conviction of the following felonies:
None.

On June 21, 2007, and July 11, 2007, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the determination of how serious the misconduct was to the discretion of an agency head who may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

- An officer failed to take appropriate action regarding a complaint of domestic violence.
- An officer was having an off-duty sexual relationship with a co-worker.
- An officer failed to complete several reports.
- An officer used physical force to handcuff a juvenile who resisted and fought after the officer tried to see his tattoo as part of the booking process.
- An officer threatened the use of his Taser to cause a driver to exit her vehicle.
- A specialty officer violated his department's policy by executing traffic stops.
- An officer testified that he "believed" the date asked for was January 2002 and that the number of years he was asked about was "approximately" five, when in fact the precise date was May of 2002 and the number of years was 4 and one quarter.
- A lieutenant made inappropriate comments of a sexual nature about two other department members.
- An officer attempted to go on dates with females he met during calls for service.
- Two recruits were racing each other and were clocked going 86 in a 45 mph zone.
- An SRO gave a teacher a kiss on the top of the head as a sign of his support in a teachers' lounge discussion.
- In 1997 or 1998, a sergeant kept a box of drug paraphernalia that he had either found or seized in his desk.
- An officer let himself into a garage that he formerly shared with his ex-girlfriend to retrieve an item of his personal property without her prior permission.
- An officer retired under circumstances his doctor felt were questionable, but the retirement board knew about them and allowed the retirement.

- An officer told his supervisor that a report was completed on a certain date, when it may have been completed on an earlier date.